

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CECIL BRANCH,

Plaintiff,

v.

SCHOSTAK BROTHERS & COMPANY,
INC., and PAULA GOLDMAN-SPINNER,

Defendants.

Case No. 11-15616

Hon. John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

On December 22, 2011, Plaintiff filed a complaint alleging the following causes of action: Count I, Family and Medical Leave Act ("FMLA"); Count II, FMLA retaliation; Count III, Americans with Disabilities Act ("ADA"); Count IV, ADA retaliation; Count V, Michigan Persons with Disabilities Civil Rights Act; Count VI, intentional infliction of emotional distress; and Count VII, violation of the Bullard-Plawecki Employee Right to Know Act.

Diversity jurisdiction is not present. Although Counts I through IV are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, IT IS HEREBY ORDERED that Counts V, VI, and VII of Plaintiff's complaint are DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: January 27, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, January 27, 2012, using the ECF system.

s/William Barkholz
Case Manager